

City Clerk File No. Ord. 16.041

Agenda No. 3.C. 1st Reading

Agenda No. 4.A. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.041

TITLE:

**ORDINANCE SUPPLEMENTING CHAPTER 99 (BARBERSHOPS AND BEAUTY PARLORS) ADDING ARTICLE III (MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS) OF THE JERSEY CITY CODE**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

A. The following supplements to Chapter 99 (Barbershops and Beauty Parlors) are adopted:

### **CHAPTER 99 BARBERSHOPS AND BEAUTY PARLORS**

#### **ARTICLE III Massage, Bodywork and Somatic Therapy Establishments**

##### **Sec. 99-20. Purpose**

The City of Jersey City acknowledges that massage, bodywork and somatic therapy is a legitimate professional field that provides health benefits and that the Massage and Bodywork Therapist Licensing Act., N.J.S.A. 45:11- 53 et seq. requires licenses for all those who engage in the practice of massage, bodywork and somatic therapy. The City nevertheless finds that the practice of such therapy by untrained and unlicensed practitioners can both cause injury and illness to clients and can encourage and foster prostitution. The purpose of this ordinance is to provide standards to help assure that the practice of massage, bodywork and somatic therapy does not cause injury or disease to clients and does not degenerate into prostitution.

##### **Sec. 99-21. Definitions**

As used in this ordinance, the terms **MASSAGE, BODYWORK AND SOMATIC THERAPIES, MASSAGE, BODYWORK AND SOMATIC THERAPIST and MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENT** shall be defined in accordance with their definitions in the Massage and Bodywork Therapist Licensing Act., N.J.S.A. 45:11- 53 et seq.

##### **Sec. 99-22. Employment of unlicensed message, bodywork and somatic therapists prohibited; display of license**

- A. No person shall practice massage or related therapies as a massage, bodywork, or somatic therapist employee or otherwise in the City of Jersey City unless he or she has a valid and subsisting massage, bodywork and somatic therapist's license pursuant to the Massage and Bodywork Therapist Licensing Act., N.J.S.A. 45:11- 53 et seq.
- B. No person shall employ anyone as a massage, bodywork, or somatic therapist in the City of Jersey City unless he or she has a valid and subsisting massage, bodywork and somatic therapist's license pursuant to the Massage and Bodywork Therapist Licensing Act., N.J.S.A. 45:11- 53 et seq.

- C. The massage, bodywork or somatic therapy establishment shall display the licenses of each and every massage, bodywork and somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment.

**Sec. 99-23. Massage and Somatic Therapy Establishments to comply with health codes of the City of Jersey City; prices and standards for establishments to be posted; sanitary requirements for establishments.**

- A. Every massage, bodywork and somatic therapy establishment shall comply with the following:
1. Every portion of the massage, bodywork and somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition;
  2. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers;
  3. All employees, including massage, bodywork and somatic therapists, shall be clean and wear clean, non-transparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.
  4. All massage, bodywork and somatic therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner;
  5. All massage tables shall be disinfected after each use;
  6. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry, clean and sanitary;
  7. All tables, tubs, shower stalls and floors, except reception and administrative areas shall be made of nonporous materials, which may be readily disinfected. Closed containers shall be provided for used towels and waste materials;
  8. Oils, creams, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be kept in clean closed containers or cabinets;
  9. Animals, except for seeing eye dogs, shall not be permitted in the massage work area;
  10. Each massage, bodywork and somatic therapist shall wash his or her hands in hot running water, using property soap or disinfectant before administering a massage, bodywork or somatic therapy to a patron; and
  11. A copy of this section shall be posted in every massage or somatic therapy establishment in a conspicuous location visible to clients of the establishment.

**Sec. 99-24. Conduct of massage, bodywork and somatic therapy**

- A. It shall be unlawful for an person knowingly, in a massage, bodywork and somatic therapy establishment to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage the buttocks, genital area or female

breasts of any other person, unless such massage has been ordered by a prescription signed by a licensed medical doctor, chiropractor or doctor of osteopathic medicine. No massage, bodywork and somatic therapist, employee or operator shall perform or offer to perform any act which would require the touching of the patron's buttocks, genital area or female breasts;

- B. The buttocks, genital area and female breasts of patrons must be covered by towels, cloths or undergarment when in the presence of an employee or massage, bodywork or somatic therapist;
- C. No massage, bodywork or somatic therapist shall engage in any activity which would lead a reasonable person to conclude that the activity serves the prurient interests of the client or therapist or which is for the sexual arousal or sexual gratification of the therapist or client.

**Sec. 99-25. Minor patrons**

Any patron under the age of 18 years of age must be accompanied by a parent or guardian or adult with written permission of the parent or guardian.

**Sec. 99-26. Alcoholic beverages or controlled dangerous substances prohibited**

- A. Alcoholic beverages shall not be distributed or consumed on the premises of any massage, bodywork and somatic therapy establishment certified under this Chapter.
- B. Controlled dangerous substances, as defined by the laws of the State of New Jersey shall not be distributed or consumed on the premises of any massage, bodywork and somatic therapy establishment certified pursuant to this Chapter.

**Sec. 99-27. Sleeping quarters**

No part of the quarters of any massage, bodywork and somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters nor shall any person sleep in such massage, bodywork and somatic therapy establishment except for limited periods incidental to and directly related to a massage, bodywork or somatic therapy treatment or bath. This provision shall not preclude the location of massage, bodywork and somatic therapy establishments in separately demised quarters of a building housing a hotel or other separate businesses or clubs.

**Sec. 99-28. Exceptions**

The provisions of this Chapter shall not apply to massage, bodywork or somatic therapies given:

- A. In the office of a licensed physician, chiropractor or physical therapist; or
- B. By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists;
- C. By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or
- D. By a licensed barber or cosmetologist/hairstylist limited to the areas of the face, neck, scalp or upper part of the body as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.

**Sec. 99-29. Violations and penalties**

In addition to the revocation or suspension of the certificate granted under this Chapter, any person who violates any provision of this Chapter shall, upon conviction, be punished by a fine of not less than \$100 no more than \$2,000 or by imprisonment in the county jail for a term not exceeding 90 days, or by a period of community service not exceeding 90 day, or any combination thereof, at the discretion of the court. Each day a particular violation occurs shall constitute a separate offense.

- C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new, therefore underling has been omitted. For purposes of advertising only, new matter is indicated by **boldface**.

TF/kk

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Business Administrator

## **ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

### **Full Title of Ordinance/Resolution**

**ORDINANCE SUPPLEMENTING CHAPTER 99 (BARBERSHOPS AND BEAUTY PARLORS)  
ADDING ARTICLE III (MASSAGE, BODYWORK AND SOMATIC THERAPY  
ESTABLISHMENTS) OF THE JERSEY CITY CODE**

### **Initiator**

Department/Division	Health & Human Services	Director's Office
Name/Title	Stacey Flanagan	Director
Phone/email	201-547-6560	Sflanagan@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

### **Ordinance Purpose**

The Mayor's Quality of Life Task Force recently has dealt with a number of complaints concerning questionable businesses offering massage therapy. Residents and neighboring merchants suspect a number of these establishments are engaging in illicit activities.

The Task Force has engaged the NJ Attorney General's Office of Consumer Affairs to assist us, but the office's authority only allows it to refer cases of individuals practicing massage without a license to the state massage therapy governing board. Due to the structure of the illicit massage business, this is not enough.

The City has no reliable tools to regulate these establishments therefore the purpose of this ordinance is to establish standards for the operation of massage and bodywork therapy establishments to assure that the practice does not cause injury or disease to clients and does not become a guise for, nor degenerate into unhealthy activities.

**I certify that all the facts presented herein are accurate.**

  
\_\_\_\_\_  
Signature of Department Director

\_\_\_\_\_  
2/9/16  
Date

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.041  
TITLE: 3.C FEB 24 2016 4.A

**MAR 09 2016**

Ordinance supplementing Chapter 99 (Barbershops and Beauty Parlors) adding Article III (Massage, Bodywork and Somatic Therapy Establishments) of the Jersey City Code.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
COUNCILPERSON				COUNCILPERSON				COUNCILPERSON			
AYE	NAY	N.V.		AYE	NAY	N.V.		AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

**FEB 24 2016 9-0**

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON				COUNCILPERSON				COUNCILPERSON			
AYE	NAY	N.V.		AYE	NAY	N.V.		AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

**MAR 09 2016**

Councilperson WATTERMAN moved, seconded by Councilperson OSBORNE to close P.H. **8-0**

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON				COUNCILPERSON				COUNCILPERSON			
AYE	NAY	N.V.		AYE	NAY	N.V.		AYE	NAY	N.V.	
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON				COUNCILPERSON				COUNCILPERSON			
AYE	NAY	N.V.		AYE	NAY	N.V.		AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

**MAR 09 2016 9-0**

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **FEB 24 2016**  
Adopted on second and final reading after hearing on **MAR 09 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **MAR 09 2016**

*Robert Byrne, City Clerk*  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

*Rolando R. Lavarro, Jr.*  
Rolando R. Lavarro, Jr., Council President

Date **MAR 09 2016**

APPROVED:

*Steven M. Fulop*  
Steven M. Fulop, Mayor

Date **MAR 11 2016**

Date to Mayor **MAR 10 2016**

City Clerk File No. Ord. 16.042

Agenda No. 3.D 1st Reading

Agenda No. 4.B. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.042

**TITLE:**

**AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 18704, LOT 16 COMMONLY KNOWN BY THE STREET ADDRESS OF 747 GRAND STREET**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the City of Jersey City as an area in need of rehabilitation, and is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., also known as the Five (5) Year Exemption and Abatement Law; and

**WHEREAS**, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060, Section 304-6 et seq. of the Municipal Code, to allow Five (5) Year Tax Exemptions; and

**WHEREAS**, Five (5) Year Tax Exemptions allow the Tax Assessor to regard the full and true value or a portion of certain improvements thereof as not increasing the full and true value of a certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

**WHEREAS**, 747 Grand, LLC is the owner of Block 18704, Lot 16 on the City's Tax Map and more commonly known by the street address of 747 Grand Street, Jersey City, New Jersey; and

**WHEREAS**, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, 747 Grand, LLC has applied for a tax exemption for a proposed five (5) story thirty-six (36) unit market rate rental residential building; and

**WHEREAS**, on January 14, 2016, the owner filed an application with the Tax Assessor to exempt the Project from taxes for five years, a copy of which is attached hereto; and

**WHEREAS**, the taxes on the improvements are estimated to be \$80,327; and

**WHEREAS**, 747 Grand, LLC proposes to pay the City staged payments for the improvements on the property, estimated as follows:

- (a) Year 1: the tax year in which the structure will be completed, no taxes on improvements;
- (b) Year 2: the second tax year, twenty percent (20%) of the taxes on the improvements, estimated to be \$16,065;
- (c) Year 3: the third tax year, forty percent (40%) of the taxes on the improvements, estimated to be \$32,131;

**AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION  
PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ.,  
AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY  
DESIGNATED AS BLOCK 18704, LOT 16 COMMONLY KNOWN  
BY THE STREET ADDRESS OF 747 GRAND STREET**

- (d) Year 4: the fourth tax year, sixty percent (60%) of the taxes on the improvements, estimated to be \$48,196;
- (e) Year 5: the fifth tax year, eighty percent (80%) of the taxes on the improvements, estimated to be \$64,262;
- (f) Year 6: taxes on the improvements estimated to be \$80,327.

**WHEREAS**, the total tax to be paid over the five year term is estimated at \$160,654; and

**WHEREAS**, the Tax Assessor has determined that the full and true value of the new construction will generate an additional tax payment of \$80,327 a year; and

**WHEREAS**, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

**WHEREAS**, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the newly constructed multiple dwelling is eligible for a tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

**WHEREAS**, 747 Grand, LLC has agreed to pay \$62,280 to the City's Affordable Housing Trust Fund [ $\$1,500$  per unit ( $36 \text{ units} \times \$1,500 = \$54,000$ ) and  $\$1.50$  per square foot of parking ( $5,520 \text{ sq. ft. of parking} \times \$1.50 = \$8,280$ )]; and

**WHEREAS**, on February 2, 2016, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

1. The application, attached hereto, for a proposed five (5) story thirty-six (36) unit market rate rental residential building located on Block 18704, Lot 16 of the City's Tax Map and more commonly known by the street address of 747 Grand Street, is hereby approved.
2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:
  - (a) estimated tax payment on the new improvements shall be:
    - (i) Year 1: the tax year in which the structure will be completed, no taxes on improvements;
    - (ii) Year 2: the second tax year, twenty percent (20%) of the taxes on the improvements, estimated to be \$16,065;
    - (iii) Year 3: the third tax year, forty percent (40%) of the taxes on the improvements, estimated to be \$32,131;
    - (iv) Year 4: the fourth tax year, sixty percent (60%) of the taxes on the improvements, estimated to be \$48,196;



**AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION  
PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ.,  
AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY  
DESIGNATED AS BLOCK 18704, LOT 16 COMMONLY KNOWN  
BY THE STREET ADDRESS OF 747 GRAND STREET**

- (v) Year 5: the fifth tax year, eighty percent (80%) of the taxes on the improvements, estimated to be \$64,262;
- (vi) Year 6: taxes on the improvements estimated to be \$80,327.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; and

- (b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A. 40A:21-11(b).
  - (c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.
  - (d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.
  - (e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.
  - (f) Affordable Housing Trust Fund: \$62,280 [\$1,500 per unit (36 units) and \$1.50 per square foot of parking (5,520 sq. ft. of parking)] as a contribution.
3. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.
  4. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40a:21-11(d).
    - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
    - B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
    - C. This Ordinance shall take effect at the time and in the manner provided by law.

**AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION  
PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ.,  
AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY  
DESIGNATED AS BLOCK 18704, LOT 16 COMMONLY KNOWN  
BY THE STREET ADDRESS OF 747 GRAND STREET**

- D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJH 2/16/16

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Business Administrator

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

An Ordinance to Approve A Five Year Tax Exemption for a Market Rate Residential Project to be Constructed by 747 Grand, LLC, An Urban Renewal Entity pursuant to the Short-term Tax Exemption Law N.J.S.A. 40A:21-1 et. seq. Designated as Block 18407 Lot 16 on the City's Tax Map and known as 747 Grand Street.

**Initiator**

Department/Division	Office of the Mayor	Office of the Deputy Mayor
Name/Title	Marcos D. Vigil	Deputy Mayor
Phone/email	201-547-6542	mvigil@jcnj.org

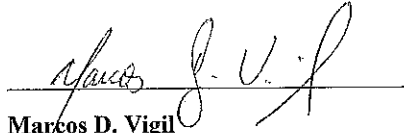
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

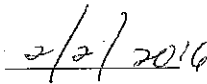
**Ordinance Purpose**

The applicant, 747 Grand, LLC, is applying for a five (5) Year tax abatement for a five (5) story thirty-six (36) unit market rate residential rental project with twenty-nine (29) parking spaces pursuant to N.J.S.A. 40 A: 21-1 et seq. The fee of \$7,200 was paid with the application.

The property known as 747 Grand Street is at the intersection of Arlington Avenue and Grand Street between Harmon and McDougall Streets. It is Block 18704 Lot 16 on the Jersey City Tax Map. The property is currently a vacant lot.

I certify that all the facts presented herein are accurate.

  
Marcos D. Vigil  
Deputy Mayor

  
Date

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.042  
TITLE: 3.D FEB 24 2016 4.B MAR 09 2016

An ordinance approving a five (5) year tax exemption pursuant to the provisions of N.J.S.A. 40A:21-1, et seq., and Section 304-9 of the Municipal Code for property designated as Block 18704, Lot 16 commonly known by the street address of 747 Grand Street.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">FEB 24 2016 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">MAR 09 2016 9-0</span>											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

*Jason Burg*  
*Jim McCann*  
*Larkin Washington*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">MAR 09 2016 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 24 2016  
Adopted on second and final reading after hearing on MAR 09 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAR 09 2016

*Robert Byrne*  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

*Rolando R. Lavarro, Jr.*  
Rolando R. Lavarro, Jr., Council President  
Date MAR 09 2016

APPROVED:

*Steven M. Fulop*  
Steven M. Fulop, Mayor  
Date MAR 11 2016  
Date to Mayor MAR 10 2016

City Clerk File No. Ord. 16.043

Agenda No. 3.E 1st Reading

Agenda No. 4.C. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.043

**TITLE:**

**AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 18901, LOT 19.01 COMMONLY KNOWN BY THE STREET ADDRESS OF 7 BERRY ROAD**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the City of Jersey City as an area in need of rehabilitation, and is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., also known as the Five (5) Year Exemption and Abatement Law; and

**WHEREAS**, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060, Section 304-6 et seq. of the Municipal Code, to allow Five (5) Year Tax Exemptions; and

**WHEREAS**, Five (5) Year Tax Exemptions allow the Tax Assessor to regard the full and true value or a portion of certain improvements thereof as not increasing the full and true value of a certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

**WHEREAS**, ISC, LLC is the owner of Block 18901, Lot 19.01 on the City's Tax Map and more commonly known by the street address of 7 Berry Road, Jersey City, New Jersey; and

**WHEREAS**, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, ISC, LLC has applied for a tax exemption for a 42,000 square foot industrial warehouse building; and

**WHEREAS**, construction of the Project is complete and the Project received a Certificate of Occupancy on July 3, 2014; and

**WHEREAS**, on July 31, 2014, the owner filed an application with the Tax Assessor to exempt the Project from taxes for five years, a copy of which is attached hereto; and

**WHEREAS**, this Project's application for a tax abatement should be grandfathered under the prior Ordinance as the City has done with other projects that would have qualified when they began construction; and

**WHEREAS**, the taxes on the improvements are estimated to be \$37,410; and

**WHEREAS**, ISC, LLC proposes to pay the City staged payments for the improvements on the property, estimated as follows:

- (a) Year 1: the tax year in which the structure will be completed, no taxes on improvements;

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- (b) Year 2: the second tax year, twenty percent (20%) of the taxes on the improvements, estimated to be \$7,482;
- (c) Year 3: the third tax year, forty percent (40%) of the taxes on the improvements, estimated to be \$14,964;
- (d) Year 4: the fourth tax year, sixty percent (60%) of the taxes on the improvements, estimated to be \$22,446;
- (e) Year 5: the fifth tax year, eighty percent (80%) of the taxes on the improvements, estimated to be \$29,928;
- (f) Year 6: taxes on the improvements estimated to be \$37,410.

**WHEREAS**, the total tax to be paid over the five year term is estimated at \$74,820; and

**WHEREAS**, the Tax Assessor has determined that the full and true value of the new construction will generate an additional tax payment of \$37,410 a year; and

**WHEREAS**, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

**WHEREAS**, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the newly constructed multiple dwelling is eligible for a tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

**WHEREAS**, the industrial building that ISC, LLC has constructed consists of 42,000 square feet and the applicant has agreed to pay \$.10 per square foot to the City's Affordable Housing Trust Fund, or \$4,200; and

**WHEREAS**, on February 2, 2016, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

1. The application, attached hereto, for a 42,000 square foot industrial warehouse building located on Block 18901, Lot 19.01 of the City's Tax Map and more commonly known by the street address of 7 Berry Road, is hereby approved.
2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:
  - (a) estimated tax payment on the new improvements shall be:
    - (i) Year 1: the tax year in which the structure will be completed, no taxes on improvements;
    - (ii) Year 2: the second tax year, twenty percent (20%) of the taxes on the improvements, estimated to be \$7,482;

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- (iii) Year 3: the third tax year, forty percent (40%) of the taxes on the improvements, estimated to be \$14,964;
- (iv) Year 4: the fourth tax year, sixty percent (60%) of the taxes on the improvements, estimated to be \$22,446;
- (v) Year 5: the fifth tax year, eighty percent (80%) of the taxes on the improvements, estimated to be \$29,928;
- (vi) Year 6: taxes on the improvements estimated to be \$37,410.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; and

- (b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A. 40A:21-11(b).
  - (c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.
  - (d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.
  - (e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.
  - (f) Affordable Housing Trust Fund: for and industrial building is \$.10 square foot. The building constructed is (42,000 square feet) for a total of \$4,200.
3. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.
  4. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40a:21-11(d).
  - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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BY THE STREET ADDRESS OF 7 BERRY ROAD**

- B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This Ordinance shall take effect at the time and in the manner provided by law.
- D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJH 2/16/16

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Business Administrator



**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

**An Ordinance to Approve A Five-Year Tax Exemption for an Industrial Warehouse Project Constructed by ISC, LLC, Pursuant to the Short-term Tax Exemption Law N.J.S.A. 40A:21-1 et. seq. Designated as Block 18901 Lot 19.01 on the City's Tax Map and known as 7 Berry Road.**

**Initiator**

Department/Division	Office of the Mayor	Office of the Deputy Mayor
Name/Title	Marcos D. Vigil	Deputy Mayor
Phone/email	201-547-6542	mvigil@cnj.org

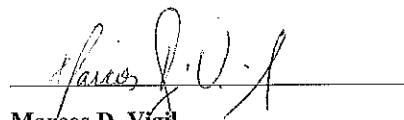
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

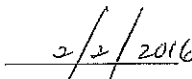
**Ordinance Purpose**

The property is located at 7 Berry Road, South of Communipaw Avenue. It is Block 18901 Lot 19. The fee of \$3,500 was paid with the application.

The project is a 42,000 square foot industrial warehouse building. Construction is complete. The applicant is leasing the building to the Ideal Supply Company an affiliated company that has expanded its operations using this new building located on an adjacent property.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_  
Marcos D. Vigil  
Deputy Mayor

  
\_\_\_\_\_  
Date

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.043  
TITLE: 3.E FEB 24 2016 4.C MAR 09 2016

An ordinance approving a five (5) year tax exemption pursuant to the provisions of N.J.S.A. 40A:21-1, et seq., and Section 304-9 of the Municipal Code for property designated as Block 18901, Lot 19.01 commonly known by the street address of 7 Berry Road.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 24 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING MAR 09 2016 9-0											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

JASON BURG  
LOVEAN WASHINGTON  
DAN KEOUGH

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE MAR 09 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 24 2016

Adopted on second and final reading after hearing on MAR 09 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAR 09 2016

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date MAR 09 2016

APPROVED:

Steven M. Fulop, Mayor

Date MAR 11 2016

Date to Mayor MAR 10 2016